

ENVIRONMENTAL PROTECTION AGENCY

REGION VI

1600 PATTERSON, SUITE 1100
DALLAS, TEXAS 75201

February 13, 1974

OFFICE OF THE
REGIONAL ADMINISTRATOR

Mr. N. R. Wallner
E. I. DuPont de Nemours and Company
Post Office Box 347
LaPorte, Texas 77571

Dear Mr. Wallner:

Your application for an ocean dumping permit has been the subject of a review and final determination by this office following proper public notice and hearing. We are hereby transmitting a new permit for your plant at LaPorte, Texas, such permit being numbered 730D004B.

The permit is effective February 13, 1974, and has an expiration date of midnight, December 31, 1974. The expiration date is in accordance with your implementation plan to treat the wastes now being barged and to cease ocean dumping by the end of 1974. There are several changes in the enclosed permit from that proposed at the December 12, 1973, public hearing. These changes are:

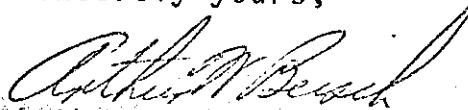
1. Deletion of the nighttime dumping restriction.
2. Deletion of the proposed seasonal regulation.
3. Changes in the chemical constituent concentration in accordance with the testimony that certain levels of concentration are necessary in order to allow for removal of certain streams from ocean dumping throughout the life of this permit.
4. Deletion of the requirement for discharge ten feet under water at all times. The requirement for underwater discharge, however, is kept in order to allow for better dispersion.
5. Deletion of the requirement for a remotely activated pump. However, the requirement for discharge only after underway at a speed of no less than 5 knots is required procedurally.

6. The total amount of waste to be authorized under this permit has been revised downward to more accurately reflect the amount of waste produced from your plant.

There are, at present, no studies required under this permit. However, if it becomes necessary or desirable to require certain studies, we will notify your office of a proposed modification of the enclosed permit. In addition, please note that your implementation plan has been incorporated as enforceable conditions within the enclosed permit.

Should you have any questions or comments pertaining to the enclosed permit please do not hesitate to contact us at your convenience.

Sincerely yours,



Arthur W. Busch
Regional Administrator

Enclosure

cc: Mr. David Sebree
Legal Department
E. I. DuPont de Nemours and Company
Wilmington, Delaware



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VI
1600 PATTERSON, SUITE 1100
DALLAS, TEXAS 75201

PERMIT

Permit No. 730D004B - Interim
Name of Permittee E. I. DuPont de Nemours & Company
Effective Date February 13, 1974
Expiration Date January 1, 1975

MARINE PROTECTION, RESEARCH AND
SANCTUARIES ACT (OCEAN DUMPING) PERMIT

In reference to the following application:

Application Number: 730D004B

for a permit authorizing the transportation and dumping of any material in compliance with the provisions of the Act of Congress enacted October 23, 1972, entitled The Marine Protection, Research and Sanctuaries Act of 1972, (hereinafter referred to as the Act),

E. I. DuPont de Nemours & Company, Houston Plant,

hereinafter called permittee, is authorized to transport material for dumping from its facility at

P.O. Box 347

LaPorte, Texas 77571

and to dump to ocean waters, all in accordance with the following general and special conditions:

General Conditions

1. All transportation and dumping authorized herein shall be consistent with the terms and conditions of this permit.
2.
 - a. Transportation to, and dumping at any location other than that authorized by this permit shall constitute a violation of the terms and conditions of this permit.
 - b. Transportation and dumping of any material more frequently than or in excess of that identified and authorized by this permit, or dumping of material not authorized by this permit, shall constitute a violation of the terms and conditions of this permit.
 - c. Permittee shall comply with each and every condition, provision and limitation in this permit and compliance with one or more but less than all conditions, provisions and limitations shall not constitute a ground or grounds of defense in any proceeding against permittee for violation of one or more of such conditions, provisions or limitations.
3. After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked in whole or in part during its term for cause including, but not limited to, the following:
 - a. Violation of any term or condition of this permit;
 - b. Misrepresentation, inaccuracy or failure by the applicant to disclose all relevant facts in the permit application.
 - c. A change in any condition or material fact upon which this permit is based that requires either a temporary or permanent reduction or elimination of the authorized transportation or dumping including, but not limited to, changes in conditions at the designated dumping site, and newly discovered scientific data relative to the granting of this permit.
 - d. A determination by the Regional Administrator that the permitted dumping has resulted, is resulting or may result in imminent and substantial harm to human health or welfare or the marine environment.
 - e. Failure to keep the records and/or to notify appropriate officials of dumping activities.
4. The permittee shall allow the Regional Administrator and/or the U.S. Coast Guard, and/or their authorized representatives, upon the presentation of credentials:

a. To enter into, upon, or through the permittee's premises, vessels or other premises or vessels under the control of permittee, where, or in which, a source of material to be dumped is located or in which any records are required to be kept under the terms and conditions of this permit or the Act;

b. To have access to and copy any records required to be kept under the terms and conditions of this permit or the Act;

c. To inspect any monitoring equipment or monitoring method required in this permit; or,

d. To sample any materials discharged or to be discharged.

5. The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private or public property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6. This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities, or except as authorized by this permit, the undertaking of any work in any navigable waters.

7. ~~Within 48 hours of the completion of each barging operation,~~ permittee shall forward by depositing in the United States mail to the Regional Administrator a report which shall be verified in accordance with the provisions of 18 U.S.C. 1001, by a responsible officer or employee of Permittee, which report shall contain as a minimum, the following:

a. The total amount of material dumped and the amounts, in parts per million and poundage, of each constituent listed in Special Condition No. 1. The content of the constituent shall be verified by an analysis of the material to be dumped which shall be performed prior to such dumping operation. Records of such analyses shall be included with such report.

b. A statement of the local time at which each barging operation was commenced, the latitude and longitude of the place where each barging operation was commenced, and the time and the latitude and longitude of the place where each barging operation ceased, as well as the latitude and longitude of the mid point of the course made good if such barging operation extended over a period of six hours.

c. The time, date and point of actual departure and return for each barging operation.

d. Fathometer records of the entire run during which barging operations or dumping operations were taking place.

e. A negative report of a cancelled or changed dump, if, for any reason, a numbered barge trip for which notice is required by General Condition No. 8, is not made or the timing is changed.

8. Permittee shall notify by telegram the U.S. Coast Guard (local Captain of the Port) and the Regional Administrator not later than 12 hours prior to the departure from permittee's facility of any tug or vessel which is to depart to sea for a barging operation. Included in such notification shall be:

a. A sequential numbering system for the barge trips authorized by this permit. All communications relative to each barge trip shall reflect the number designated.

b. A statement of the amount, in tons, of materials to be dumped.

c. A chemical description, as determined by chemical analysis, of the constituents listed in Special Condition No. 1, excepting the metals.

d. The names and registry numbers of the tug and barge scheduled for departure.

e. The estimated time of arrival at the dump site and the estimated time of return to port and the port of return.

Such notice shall be received by the Regional Administrator 12 hours in advance of departure or at such time greater than 12 hours to allow receipt by the Regional Administrator during normal working hours. If permittee anticipates a weekend or holiday dump, he shall notify the Regional Administrator the working day prior to the weekend or holiday and a duty official will be assigned by EPA for receiving the report. In the event the metals analysis exhibits concentrations in violation of the limitations of this permit, permittee shall cause the master of the vessel to not discharge and return to port.

9. The permittee shall maintain complete records, which shall be available for inspection and copying by the Administrator, the Regional Administrator, or their designees, of:

a. The nature, including a complete description of relevant physical characteristics of material dumped pursuant to the permit.

b. The precise times and locations of dumping.

c. Any information relevant to the assessment of the impact of permitted dumping activities on the marine environment or human health or welfare.

10. The permittee shall, at the end of each six-month period, beginning on June 1, 1974, make a report to the Regional Administrator of the following information:

a. Information in the records to be kept pursuant to Paragraph 9 of the General Conditions.

b. A summary of the reports required by Paragraph 7 of the General Conditions.

c. Any additional records or reports required in the Special Conditions of this permit.

d. An analysis of all elements listed in 227.31(b)(1) of the ocean dumping final regulations and criteria (40 C.F.R. 227.31), excluding those reported under Special Condition 1.a. of herein permit, from a composite sampling from each barging operation.

11. The permittee shall make an additional report in accordance with the requirements of Paragraph 10 of the General Conditions at the expiration of this permit.

12. Reports required by Paragraphs 10 and 11 of the General Conditions shall be received by the Regional Administrator within 30 days following the end of the required reporting period.

13. If the dumping of material which is regulated by this permit is dumped due to emergency to safeguard life at sea in locations or in a manner not in accordance with the terms of this permit, the permittee shall make a full report in accordance with the provision of 18 U.S.C. 1001, within 30 days to the Regional Administrator of the emergency and the actions taken.

14. The reporting requirements contained in this permit are in addition to any reporting requirements of any other State or Federal Agency.

15. In the event any portion of the authorized dumping or transporting is done by a person, firm or corporation other than the named permittee, any and all reports required hereunder shall be jointly executed by both permittee and such other person, firm or corporation in accordance with the provisions of 18 U.S.C. 1001 by an officer or employee of such other person, firm or corporation.

16. The performance of any transportation or dumping authorized by this permit, by any person, firm or corporation other than the named permittee shall not relieve permittee from full responsibility for compliance herewith, nor shall the issuance of this permit to permittee relieve such other person, firm or corporation from responsibility for compliance herewith, nor shall the existence of any such contractual or other relationship between permittee and any other such person, firm or corporation operate to relieve either party from responsibility for compliance with this permit or the Act or both.

17. Terms used in this permit which are defined in Section 3 of the Act shall have the same meaning herein.

Special Conditions

1. Description of Material

In accordance with all other terms and conditions of this permit, the permittee is authorized to transport for dumping and to dump in ocean waters, material which shall not exceed in its physical and chemical characteristics the concentrations and loads listed below.

a. <u>Composition</u> <u>Constituents</u>	<u>Concentrations (wt/wt)</u> <u>Not to Exceed</u>
Sodium Chloride	41,800ppm
Sodium Sulfate	32,000ppm
Sodium Bromide	7,000ppm
Potassium Chloride	29,500ppm
Methanol	64,000ppm
Methylene Chloride	7,000ppm
Formaldehyde	1,100ppm
Other Organics (specified in Exhibit 1 of application)	15,000ppm
<u>Metals</u>	
Cadmium	0.11ppm
Mercury	0.006ppm

b. Physical/Chemical Properties

pH	6 - 11
Total Residue	TBD
TOC	60,000ppm
Specific Gravity	1.00 - 1.10

c. Since various waste streams will periodically be removed or tested as elimination of ocean disposal is implemented, the concentrations listed in a. above are subject to modification in accordance with General Condition No. 3. Permittee shall anticipate the changes in advance and shall so notify the Regional Administrator.

d. The character of the material being dumped shall not be altered in its content from the foregoing by the addition of wastewaters from sources other than those identified in the application or otherwise.

2. Amount of Material

a. The permittee is authorized to transport and dump material described in Paragraph 1 an amount not in excess of 268,000 tons under this permit.

b. The permittee is authorized to transport and dump in accordance with the following limitations:

February 14, 1974 - July 1, 1974

Allowable tons per quarter 90,000

Allowable tons per month 39,000

July 1, 1974 - January 1, 1975

Allowable tons per quarter 60,000

Allowable tons per month 26,000

A quarter will consist of three months and the first quarter will start on January 1, 1974; February will be allocated 19,000 tons of waste.

c. No trip shall be in excess of 4800 tons.

3. Transportation and Barging Activities

a. The port of departure for the dumping of the material described herein is LaPorte, Texas, or such other port or terminal being used for storage of the accumulated waste subject to the provisions of General Condition No. 8. The permittee is authorized to transport the material described herein from his facility to such port of departure to ocean waters.

b. During loading operations, there shall be no loss of material to any waterway.

c. The permittee is authorized to dump the prescribed wastes in an approved dumping site which is defined in longitude and latitude as follows:

(1) 27 degrees 12 minutes north latitude

(2) 27 degrees 28 minutes north latitude

(3) 94 degrees 28 minutes west longitude

(4) 94 degrees 44 minutes west longitude

d. ~~Permittee shall navigate around, by a radius of 15 nautical miles, the reefs found at the following coordinates:~~

W. Flower Garden: 27 degrees 53 minutes north latitude

93 degrees 48 minutes west longitude

E. Flower Garden: 27 degrees 55 minutes north latitude

93 degrees 36 minutes west longitude

Permittee shall also navigate around, by a radius of 5 nautical miles, the reefs found at the following coordinates:

Stetson Bank: 28 degrees 10 minutes north latitude

94 degrees 18 minutes west longitude

Claypile Bank: 28 degrees 20 minutes north latitude

94 degrees 09 minutes west longitude

e. The permittee shall regulate the dumping rate so that the material described in Special Condition 1, above, shall be discharged from a barge hereinafter identified at a rate not to exceed 7000 pounds per minute, while moving at a speed of not less than 5 knots.

f. The permittee shall discharge through an underwater dispersion nozzle.

4. Means of Transportation

a. The means of transportation shall be one of the following named vessels:

<u>Company</u>	<u>Barge</u>	<u>Capacity</u>
Port Arthur Towing Company	PATCO - 100	4800 tons
Port Arthur Towing Company	Triton	4800 tons
DuPont, Lessee	H. L. Jacobs	2000 tons
Domar Ocean Transportation, Ltd.	Z - 110	1400 tons
Domar Ocean Transportation, Ltd.	Z - 120	2400 tons
Domar Ocean Transportation, Ltd.	Z - 122	2400 tons
Domar Ocean Transportation, Ltd.	2502	3000 tons
Domar Ocean Transportation, Ltd.	Z - 111	1400 tons

b. The permittee shall place this permit or a copy of this permit in a conspicuous place in the vessel which will be used for the transportation or dumping herein authorized.

5. Implementation Schedules

a. Permittee shall continue his plans necessary to provide best practicable treatment technology to the wastes herein described and shall cease dumping wastes in the ocean by December 31, 1974, in accordance with 40 C.F.R. 227.4.

b. Permittee shall achieve compliance with (a) above in accordance with the following schedule:

- (1) Test operation initiated of rubber chemicals and fungicides by March 1, 1974
- (2) Test operation of incinerator for the Lannate^(R) and Uracil process waste September 1, 1974

^(R)DuPont registered trademark for Methomyl Insecticide.

- (3) Progress report on all implementation

May 1, 1974

- (4) Progress report on all implementation

August 1, 1974

- (5) Progress report on all implementation

November 15, 1974

- (6) Complete operation of all treatment units by

December 31, 1974

c. Permittee shall submit the required report of progress to the Regional Administrator on the date specified for the report. Where an action is required in (b) above by a certain date, a written notice of compliance or noncompliance shall be submitted within 15 days following each elapsed date. Each notice of noncompliance shall include:

(1) a description of the noncompliance and an explanation for the noncompliance;

(2) a description of any actions taken or proposed by the permittee to comply with the requirement; and

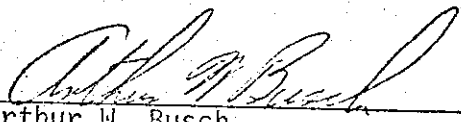
(3) a date for the attainment of the requirement plus an assessment of the probability that permittee will meet the next requirement on time.

6. Operation Procedure

Permittee shall, by installation of accessory equipment or operation procedure, activate the pumps on the waste barge only after it is underway at 5 knots.

FEB 13 1974

Date


 Arthur W. Busch
 Regional Administrator
 Region VI